



# Porter Henderson Library

## *Library Newsletter*



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### **Word from the Director** ..... Maurice Fortin, Library Director

Life is nearly back to normal in the Library. Third Floor operations seem to be running smoother each week. All of the units are moved in and open for business. After a few days of way finding, students now seem to know which elevator to ride and where the stairs are to climb up to the Third Floor. So far the new elevator has only quit working once or twice.

The Library is preparing for its opportunity to meet with the Campus Master Plan representatives. In these meetings, Library representatives will discuss the need for remodeling on the Library's three existing floors including expansion of space for existing collections, better seating/study spaces, and a rearrangement of the Reference areas and Circulation.

In its most recent meeting (9/24), the University Library Committee approved the FY 05 Materials Budget allocations for each academic department. They also approved a slight change to the allocation formula. This slight change involved using \$30,000 from the LIFE (Library) Fee to provide an additional small allocation (approximately \$2,308) to each academic department with a graduate program. This extra allocation will be used to help offset the ever-increasing costs of serial subscriptions and/or provide extra money for monographic and media purchases. In one other piece of business, the group approved a revised PPM No. 4 for Circulation. The new document combines three previously separate documents dealing with the circulation of monographs, reserve materials, media items, and government documents.

September 30<sup>th</sup> the new Quick Lab opened for business on the First Floor of the Library. This self-service lab is open for students to access a basic package of application software, to check E-mail, and to use other web applications without having to go up to the larger computer lab on the Third Floor of the Library. There is no attendant on duty. If a student needs help with application software or web access, s/he should go on up to the regular lab. The Quick Lab has six computer stations, a printer, and a scanner available for use. This is a joint project between Information Technology and the Library.

In this political season of another presidential election campaign, I would like to recommend you take a look at the excellent web page on the 2004 Election (<http://www.angelo.edu/services/library/govdocs/elec2004.htm>) developed by Janetta Paschal, Government Documents/Reference Librarian.

Because of the serious nature of any election season and in light of our nation being in a wartime era, someone sent me a quote concerning a time of over 80 years ago that still rings true today.

Carl H. Milam, Secretary of the American Library Association. "What Libraries Learned From the War," Bureau of Education, Library Leaflet No. 14, January 1922.

On page 4 is the following:

Men and women who understand America, know its history, and [those] who can see beyond the petty political troubles of one generation, will almost inevitably be good American citizens. The library has a part, and a very important part, in furnishing the means whereby every citizen may become an intelligent citizen. Libraries have the reputation of providing books on both sides of every important question. The radical and the extreme conservative meet in the library on an equal footing. The result is that the library makes for sane, intelligent development.

The pamphlet concludes on pages 5-6 with the following:

The library is really a very important agency in the field of informal education. - What the libraries accomplished during the war [WWI] has given library workers greater faith in themselves. They believe more strongly in the power of books to influence men; in the value of books in providing adequate, up-to-date information of a practical sort; in the value of books in keeping the minds of American citizens calm when all the world is disturbed.

They know that books and libraries, properly administered by intelligent, trained librarians, promote citizenship and patriotism; that the library is, in many respects, the most favored of all agencies in helping the foreign born to discover the best in American life; that it is - or can be made - one of the most important agencies in America for promoting universal, voluntary education.

I hope the ASU Library is living up to this lofty ideal.

In this issue of the *Newsletter*, we concentrate primarily on new electronic resources and databases available for your use. Mark Allan announces the *Concho River Review Index*, a collaborative effort between the Library and the English Department to index the *Concho River Review* literary journal. Antonella Ward discusses the latest additions to RamNet (*Dallas Morning News* Historical Archive, Proquest's Historical Newspapers, and the Cochran Library). She also includes information on accessing "Trial Databases." Janetta Paschal brings us up-to-date with the "new ERIC" and the online availability of three primary source series from the federal government: *Foreign relations of the United States*, *Official records of the Union and Confederate Navies in the War of the Rebellion*, and *The War of the Rebellion: a compilation of the official records of the Union and Confederate Armies*. Finally, for those who wish to do some additional reading to prepare for the upcoming 2004 E. James Holland University Symposium on American Values, we provide a bibliography with some representative resources on the topics of marriage and family.

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## ***Concho River Review Index: A Fresh, Homegrown Database!***

The Library is proud to announce the *Concho River Review Index*, which serves to index the *Concho River Review*, a publication of the Concho Museum Press and ASU's English Department. The Library's Reference and Media Units, with support from the English Department, created the *Concho River Review Index*. It may currently be found at <http://www.angelo.edu/services/library/handouts/crrindex/titlepage.htm>, and in the near future from the *Concho River Review*'s web site at [http://www.angelo.edu/dept/english/concho\\_river\\_review\\_2004.htm](http://www.angelo.edu/dept/english/concho_river_review_2004.htm).

## **Trial Databases**

The Porter Henderson Library occasionally sets up temporary trial access to new databases for evaluation purposes. To help us determine whether any might be made a permanent part of our database collection, we encourage ASU students and faculty to examine these resources and provide the Library with input about their usefulness, quality of content, relevance to Angelo State University programs, etc. Members of the ASU community can now access new trial databases from the "Trial Databases" page at <http://www.angelo.edu/services/library/news/trialdbbs.htm>.

## New Newspaper and Health Care Databases Have Arrived!

.....Antonella Ward, Electronic Resources/Reference Librarian

The Library has added three new databases to its collection of electronic resources, as of September 1, 2004. These new resources can be accessed from the alphabetical listing of databases in RamNet (Library home page > ASU Student and Faculty Resources > RamNet ).



**Dallas Morning News Historical Archive** (via NewsBank) – A historical archive with 1.2 million pages from the *Dallas Morning News*, one of the state's oldest continuously published newspapers and a paper of record for major news and key events and personalities in Texas history. The database features full text and graphics for articles, death and marriage notices, classified and display advertising, and photographs. Coverage at present is from 1964 through 1977; the archive will eventually feature coverage from 1885 through 1977.



**Historical Newspapers** (via ProQuest) – Searchable digital archive offering full-text and full-image access to the complete backfiles of *The New York Times* (1851-2001), *The Wall Street Journal* (1889-1987), *The Washington Post* (1877-1988), *Christian Science Monitor* (1908-1991), and *Los Angeles Times* (1881-1984). Titles can be searched individually or combined.

Researchers can use the database to find not only news, editorials, letters to the editor, obituaries, and birth and marriage announcements, but also historical photos, stock photos, and advertisements. They can use the searchable ASCII text that underlies images of articles and pages to search by keyword, using Boolean operators and more advanced searching techniques. The results list generated by a search includes detailed bibliographic information for the articles retrieved, including article title, publication, issue date, author, and page number. To see a complete article, a researcher simply clicks on the title in the list and the system displays the image of the full article, "threaded" to include all graphics and continuations on other pages as a single unit. Researchers also can display the complete image of any page in any issue or even browse the database and scan individual issues page by page.

Some of the photographs and a small number of articles may not be available via this database, because of copyright issues. These articles can be printed or viewed via the Page image view which can be accessed from the Page Map view. Printing in Historical Newspapers requires the use of the ProQuest 'Print' button, not the printer icon in the Adobe Acrobat Reader window. (For additional information on printing, while viewing an article, click the red "Help" in the far upper right corner of the screen and choose "Print an Article" or "Printing an Article from Historical Newspaper.")

Example of article image where the image is missing due to copyright restrictions.



Same article accessed from the Page View, with accompanying image fully displayed





**Cochrane Library** (via the Cochrane Collaboration) – “Health care in the 21st century relies not only on individual medical skills, but also on the best information on the effectiveness of each intervention being accessible to practitioners, patients and policy makers. This approach is sometimes known as ‘evidence-based medicine.’ The Cochrane Library is designed to provide information and evidence to support decisions taken in health care and to

inform those receiving care.”

The Cochrane Library is a collection of seven databases: *The Cochrane Database of Systematic Reviews* (full-text), *The Database of Abstracts of Reviews of Effectiveness* (bibliography), *The Cochrane Controlled Trials Register* (bibliography), *The Cochrane Database of Methodology Reviews* (full-text), *The Cochrane Methodology Register* (bibliography), *The Health Technology Assessment Database* (bibliography), and *The NHS Economic Evaluator Database* (bibliography). Five of these provide coverage of evidence-based medicine, and the other two provide information on research methodology.

Clinicians and consumers may be most interested in these databases:

- **The Cochrane Database of Systematic Reviews (CDSR)** – a rapidly growing list of regularly updated summaries of the best available evidence prepared by members of the Cochrane Collaboration.
- **The Database of Abstracts of Reviews of Effectiveness (DARE)** – other published reviews prepared by people outside of the Cochrane Collaboration.
- **The Cochrane Central Register of Controlled Trials (CENTRAL)** – where to look if you want to track down the original studies – the largest single source of controlled trials.

The following databases contain information of particular interest to researchers and policy-makers:

- **The Cochrane Database of Methodology Reviews (CDMR)** – where to find research about the best way to conduct a systematic review.
- **The Cochrane Methodology Register (CMR)** – where to find studies which look at the science of systematic reviewing.
- **Health Technology Assessment Database (HTA)** – an international collection of health technology assessments.
- **The NHS Economic Evaluation Database (EED)** – international economic evaluations of health care interventions.

## **ERIC, FRUS, and War of the Rebellion: Electronic Resources in Education, History, and Government**

..... Janetta Paschal, Government Documents/Reference Librarian

### **“New ERIC” Has Arrived**

During the past year ERIC, the government’s main educational research database, has undergone a major revision in design and procedures. The new ERIC web site, which opened September 1, 2004, provides users with increased search capabilities utilizing simple, streamlined retrieval methods to access the existing ERIC bibliographic database (1966-2004). Users also have the capability to save and rerun searches using the “My ERIC” personalization feature.

On October 1, 2004, ERIC introduced, for the first time, free full-text non-journal ERIC resources. These materials include more than 105,000 full-text documents authorized for electronic ERIC distribution during 1993-July 2004, previously sold through E\*Subscribe from the ERIC Document Reproduction Service (EDRS). (E\*Subscribe is no longer available; EDRS closed operations on September 30.)

In December, ERIC will add new bibliographic records and full-text journal and non-journal resources published in 2004. Newly indexed materials that are not available free-of-charge will be made accessible



through database links to commercial sources. ERIC will continue to add enhancements and features to the system in the coming months.

There are multiple ways to access the database. In RamNet users have the choice of two interfaces: FirstSearch or EBSCOhost. The free online version of ERIC, with its own interface, is available at [www.eric.ed.gov/](http://www.eric.ed.gov/).

Reports on federally funded educational research topics comprise a small subset of the titles in ERIC. These government publications can also be searched in GPO Access via "Education Reports from ERIC" at <http://www.gpoaccess.gov/eric/index.html>.

Additional information on the changes in ERIC can be found under "ERIC News" at <http://www.eric.ed.gov/>.

### ***Foreign Relations of the United States***

The Foreign Relations of the United States (FRUS) series is the official documentary historical record of major U.S. foreign policy decisions that have been declassified and edited for publication. Produced by the State Department's Office of the Historian, the printed volumes are available from the Government Printing Office. The series began with the administration of Abraham Lincoln in 1861. (The Library's holdings can be found on the Second Floor under the call number JX233 .A3.)

The University of Wisconsin-Madison Libraries, in collaboration with the University of Illinois at Chicago Library, is digitizing the volumes from the FRUS series. This collection is an incomplete run from 1863-1958, with missing volumes being added as they can be acquired and processed. The main page is at <http://libtext.library.wisc.edu/FRUS/>

The content at this time includes digital versions of volumes from 1863 through 1958. The largest group that is available on the web site covers the years 1900-1918 (not counting volumes covering World War I). The volumes are presented as images that can be browsed and searched; the search function searches uncorrected OCR (optical character recognition) text that's kept "behind the scenes."

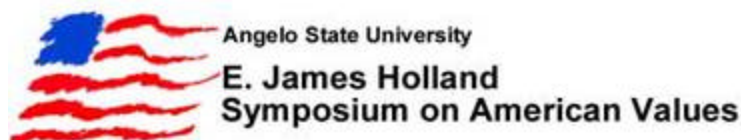
Many FRUS volumes from 1945 (beginning with the Truman administration) are available online on the State Department's archival web site that is maintained by the University of Illinois at Chicago ([http://www.state.gov/www/about\\_state/history/frusonline.html](http://www.state.gov/www/about_state/history/frusonline.html)). This information consists of the material released prior to January 20, 2001. Materials released since President George W. Bush took office on that date are available on the State Department's official FRUS web site. (See <http://state.gov/r/pa/ho/frus/> for a full description of the FRUS series. A complete listing of the volumes can be found at <http://state.gov/r/pa/ho/frus/c4035.htm>.)

The online versions from the State Department do not include a search function as does the volumes available via the University of Wisconsin-Madison project.

### ***Official Records of the Union and Confederate Navies in the War of the Rebellion and The War of the Rebellion: a Compilation of the Official Records of the Union and Confederate Armies***

Cornell University has digitized two historical records series: *Official Records of the Union and Confederate Navies in the War of the Rebellion* (produced by the United States Naval War Records Office) (<http://cdl.library.cornell.edu/moa/browse.monographs/ofre.html>) and *The War of the Rebellion: a Compilation of the Official Records of the Union and Confederate Armies* (produced by the United States War Department) ([http://cdl.library.cornell.edu/moa/moa\\_browse.html](http://cdl.library.cornell.edu/moa/moa_browse.html)). Both series are part of the university's "Making of America" digital library of primary sources in American social history from the antebellum period through reconstruction.

The "Making of America" collection comprises the digitized pages of books and journals. This system allows you to view scanned images of the actual pages of the 19th century texts. Optical character recognition (OCR) has been performed on the images to enhance searching and accessing the texts. (A link to "Making of America" is available in the list of RamNet History databases.)



## Marriage and Family in an Age of Shifting Values: Selected Resources for the 2004 E. James Holland University Symposium on American Values

The tenth edition of *Merriam-Webster's Collegiate Dictionary* defines "marriage" as follows: "the state of being married; the mutual relation of husband and wife ... the institution whereby men and women are joined in a special kind of social and legal dependence for the purpose of founding and maintaining a family ... an act of marrying or the rite by which the married status is effected ... an intimate or close union." (p.713). The dictionary defines "family" as "a group of individuals living under one roof and usu. under one head ... the basic unit in society traditionally consisting of two parents rearing their own or adopted children; ... any of various social units differing from but regarded as equivalent to the traditional family ... spouses and children." (p. 419-420).

Marriage, once a cornerstone of the American Dream, is now on the front lines of America's culture wars. Speakers at the 2004 E. James Holland University Symposium on American Values (to be held November 1-2) will explore the state of union in the United States. Dr. David Popenoe, a professor of sociology at Rutgers University, New Jersey, and co-director of the National Marriage Project, is the primary author of the Council on Families in America 1995 report, *Marriage in America: a report to the nation*. Dr. Stephanie Coontz, a professor of history and family studies at The Evergreen State College in Olympia, Washington, is author of *The way we never were: American families and the nostalgia trap*. For more information on the speakers and for the schedule see the Symposium's web site at [http://www.angelo.edu/events/university\\_symposium/](http://www.angelo.edu/events/university_symposium/).

This bibliography lists selected resources available for those wishing to read more about the topic in preparation for the Symposium. An attempt has been made to include items from "both sides" of the issues involved. Materials from conservative organizations such as the Institute for American Values (AmericanValues.org) are included, as are articles from scholarly journals that approach the subject from a more non-traditional viewpoint. Some resources are available in the Library's collections while some will be accessible via Internet. Books authored by the two Symposium speakers appear on the list. This is not an exhaustive list; many more resources are available for those who wish to do further research.

### "Issues & Controversies" in RamNet

A resource in RamNet that should be considered for use is the "Issues & Controversies" database. The main issue documents include background information, bibliographies, and additional sources or contact information.

Searching for the term "family" retrieves a number of documents, including "sidebars," that might be of interest. These include such topics as "Morality in America" and "No-Fault' Divorce." The "Same-Sex Marriage" issue, updated January 30, 2004, asks the following question: "Should same-sex marriages be legally sanctioned, or should marriage remain an institution restricted only to the union of a man and a woman?" The background information includes "same-sex marriage emerges as an issue in the 1990s," "critics denounce same-sex marriage," and "same-sex marriage promotes equality, supporters say." The site includes "sidebars," "key news events," and "related articles."

### Books & Articles

Adam, Barry D. (2003). The Defense of Marriage Act and American exceptionalism: the "gay marriage" panic in the United States. *Journal of the history of sexuality*, 12(2), 259-276.

Bankston, Carl L. & Rasmussen, R. Kent. (Eds.). (1999). *Encyclopedia of family life*. (Vols. 1-5). Pasadena, Calif.: Salem Press. (Ref. HQ534 .E53 1999)

Butler, Judith. (2002). Is kinship always already heterosexual? *Differences: a journal of feminist cultural studies*, 13(1), 14–44.

Center of the American Experiment; Coalition of Marriage, Family and Couples Education; & Institute for American Values. (2002). *Why marriage matters: twenty-one conclusions from the social sciences: a report from family scholars*. New York: Author. Retrieved September 30, 2004, from Marriage Movement.org web site: <http://www.marriagemovement.org/PDFs/WhyMarriageMatters.pdf>

Coontz, Stephanie. (1988). *The social origins of private life: a history of American families, 1600-1900*. London ; New York: Verso. (Second Floor HQ535 .C64 1988)

Coontz, Stephanie. (1992). *The way we never were: American families and the nostalgia trap*. New York: Basic Books. (on order as of 9/30/04)

Coontz, Stephanie. (1997). *The way we really are: coming to terms with America's changing families*. New York: Basic Books. (Second floor HQ535 .C644 1997)

Council on Families in America. (1995). *Marriage in America: a report to the nation*. New York: Institute for American Values. (Retrieved September 30, 2004, from AmericanValues.org [http://www.americanvalues.org/html/r-marriage\\_in\\_america.html](http://www.americanvalues.org/html/r-marriage_in_america.html)) [Reprinted in Popenoe (1996), *Promises to keep: decline and renewal of marriage in America*.]

*Feminism & psychology* devoted a special issue to the topic of marriage (13(4), November 2003) and the following issue to the subject of same sex marriage (14(1), February 2004).

Gallagher, Maggie. (2004). *Can government strengthen marriage: evidence from the social sciences*. New York: Institute for American Values. (Retrieved September 30, 2004, from MarriageMovement.org. <http://www.marriagemovement.org/PDFs/Can%20Gov%27t%20Strengthen%20Marriage.pdf>)

Markham, Howard, Halford, Kim, & Lundahl, Kristin. (2000). Marriage. In Alan E. Kazdin. (Ed.). *Encyclopedia of psychology: Vol. 5*. (pp. 109-114). Oxford, New York: Oxford University Press. (Ref. BF31 .E52 2000 v.5)

National Marriage Project, Rutgers. (2003). *The state of our unions, 2003 : the social health of marriage in America*. Piscataway, N.J.: Author. (Retrieved September 30, 2004, from The National Marriage Project web site: <http://marriage.rutgers.edu/Publications/SOOU/SOOU2003.pdf>)

Paquette, Mary. (2001). A more civil union. [Editorial]. *Perspectives in psychiatric care*, 37(2), 39-40.

Peterson, Kavan. (2004). States tackle gay marriage—some put issue to voters. *Contemporary sexuality*, 38(4), 6-7.

Pinsof, William M. (2002). *Family process*, 41(2). [Special issue]. (This issue focuses on what happened to marriage in Western Civilization in the 20<sup>th</sup> century.)

Popenoe, David. (1988). *Disturbing the nest: family change and decline in modern societies*. New York: A. de Gruyter. (Second Floor HQ518 .P67 1988)

Popenoe, David. (1996). *Life without father: compelling new evidence that fatherhood and marriage are indispensable for the good of children and society*. New York: Martin Kessler Books. (on order as of 9/30/04)



Popenoe, David; Elshtain, Jean Bethke; & Blankenhorn, David. (Eds.). (1996). *Promises to keep: decline and renewal of marriage in America*. Lanham, Md.: Rowman & Littlefield Publishers. (Second Floor HQ536 .P76 1996) [Includes a reprint of *Marriage in America: a report to the nation*.]

Schumm, Walter R. (2003). Comments on marriage in contemporary culture: five models that might help families. *Journal of psychology & theology*, 13 (3), 213-223.

Solomon, Sondra E.; Rothblum, Esther D.; & Balsam, Kimberly F. (2004). Pioneers in partnership: lesbian and gay male couples in civil unions compared with those not in civil unions and married heterosexual siblings. *Journal of family psychology*, 18(2), 275-286.

Green, Robert J. (2004). Risk and resilience in lesbian and gay couples: comment on Solomon, Rothblum, and Balsam (2004). *Journal of family psychology*, 18(2), 290-292.

Patterson, Charlotte J. (2004). What difference does a civil union make? Changing public policies and the experiences of same-sex couples: comment on Solomon, Rothblum, and Balsam (2004). *Journal of family psychology*, 18(2), 287-289.

Strasser, Mark Philip. (1999). *The challenge of same-sex marriage: federalist principles and constitutional protections*. Westport, Conn.: Praeger. (netLibrary e-book. Read online via RamCat)

Sullivan, Andrew. (Ed.). (1997). *Same-sex marriage, pro and con: a reader*. New York: Vintage Books. (Second Floor HQ76.25 .S26 1997)

## Facts & Figures

Krieder, Rose M. & Simmons, Tavia. (2003). *Marital status, 2000*. (Census 2000 brief, C2KBR-30) (Issued October 2003). Washington, D.C.: U.S. Dept. of Commerce, Economics and Statistics Administration, U.S. Census Bureau. (<http://www.census.gov/prod/2003pubs/c2kbr-30.pdf>)

Many additional Census reports are available from three special web pages on the U.S. Census Bureau's web site: "Families and Living Arrangements" (<http://www.census.gov/population/www/socdemo/hh-fam.html>); "Marital Status and Living Arrangements" (<http://www.census.gov/population/www/socdemo/ms-la.html>); and "Marriage and Divorce" (<http://www.census.gov/population/www/socdemo/marr-div.html>).

*Marital status and living arrangements* reports from 1972 to 1998 are also available in the US Documents Collection under call number C 3.186/6:.

## Public Opinion Polls and Surveys

The Pew Research Center for the People and the Press has prepared several surveys that touch on the topic of marriage (same-sex marriage in particular):

- *California, Kobe and gay marriages spark little public interest: Iraq remains top news story*. (Released August 14, 2003. Retrieved September 14, 2004, from <http://people-press.org/reports/display.php3?ReportID=191>)
- *Religious beliefs underpin opposition to homosexuality: Republicans unified, Democrats split on gay marriage*. (Released November 18, 2003. Retrieved September 14, 2004, from <http://people-press.org/reports/display.php3?ReportID=197>)
- *Gay marriage a voting issue, but mostly for opponents: constitutional amendment rates as low priority*. (Released February 27, 2004. Retrieved September 14, 2004, from <http://people-press.org/reports/display.php3?ReportID=204>)
- *GOP the religion-friendly party: but stem cell issue may help Democrats*. (Released August 24, 2004. Retrieved September 14, 2004, from <http://people-press.org/reports/display.php3?ReportID=223>)

PollingReport.com. Law and Civil Rights. [Public opinion polls on a gay marriage amendment to the U.S. Constitution and state civil union laws]. Retrieved September 14, 2004, from <http://www.pollingreport.com/civil.htm>

## Law, Legislation, and Legal Commentary

*Baehr v. Lewin*. 74 Haw. 530; 852 P.2d 44; 1993 Haw. LEXIS 26; 93 Cal. Daily Op. Service 3657.

In this 1993 case, the Hawaii Supreme Court became the first in the nation to rule that homosexuals may have a constitutional right to marry.

In 1996, motivated by the situation in Hawaii, the 104<sup>th</sup> Congress passed H.R. 3396, the "Defense of Marriage Act" (DOMA).

United States. Congress. House. Committee on the Judiciary. Subcommittee on the Constitution. (1996). *Defense of Marriage Act: hearing before the Subcommittee on the Constitution of the Committee on the Judiciary, House of Representatives, One Hundred Fourth Congress, second session, on H.R. 3396, Defense of Marriage Act, May 15, 1996*. Washington, D.C.: U.S. G.P.O. (US Documents microfiche: Y 4.J 89/1:104/69)

United States. Congress. Senate. Committee on the Judiciary. (1996). *The Defense of Marriage Act: hearing before the Committee on the Judiciary, United States Senate, One Hundred Fourth Congress, second session on S. 1740 ... July 11, 1996*. Washington, D.C.: U.S. G.P.O. (US Documents microfiche: Y 4.J 89/2:S.HRG.104-533)

United States. Congress. House. Committee on the Judiciary. (1996). *Defense of Marriage Act: report together with dissenting views to accompany H.R. 3396*. (House report 104-664). Washington, D.C.: U.S. G.P.O. ([http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=104\\_cong\\_reports&docid=f:hr664.104.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=104_cong_reports&docid=f:hr664.104.pdf))

During Congressional deliberations on DOMA the House of Representatives prepared a report, together with dissenting views, giving the "purpose and summary" and "background and need for legislation." In light of *Baehr v. Lewin*, the background section discusses that situation in detail.

"An Act to Define and Protect the Institution of Marriage." Public Law 104-199, 110 Stat. 2419. (US Documents: AE 2.111:110/pt.3)

U.S. General Accounting Office. Office of the General Counsel. (1997, January 31). *Defense of Marriage Act*. (Publication No. GAO/OGC-97-16). Retrieved September 14, 2004, from General Accounting Office Reports Online via GPO Access: <http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=gao&docid=f:og97016.pdf>

In September, 1996, Congress requested that the General Accounting Office prepare a report identifying federal laws in which benefits, rights, and privileges are contingent on marital status. The GAO published the report in January, 1997, and updated it in January, 2004 (see next entry).

U.S. General Accounting Office. Office of the General Counsel. (2004, January 23). *Defense of Marriage Act*. (Publication No. GAO-04-353R). Retrieved September 14, 2004, from General Accounting Office Reports Online via GPO Access: <http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=gao&docid=f:d04353r.pdf>

Gardiner, Karen N., et al. (2002). *State policies to promote marriage: final report*. Washington, D.C.: U.S. Dept. of Health and Human Services, Assistant Secretary for Planning and Evaluation. (US Document Online Resource. Read online via RamCat or from <http://aspe.hhs.gov/hsp/marriage02f/>)

The U.S. Department of Health and Human Services published a report in 2002 that inventoried marriage policies in the 50 states and District of Columbia.

There has been more activity in the area of "gay marriage" or "same-sex marriages" and the "protection of marriage" in the 108th Congress. In addition to remarks by President George W. Bush on February 24, 2004, this activity has included additional hearings on the Defense of Marriage Act as well as legislation leading to a possible Constitutional amendment (the Federal Marriage Act (FMA) and the Marriage Protection Act (MPA)).

The Subcommittee on the Constitution of the House Committee on the Judiciary has held four of five meetings on the subject of same sex marriage and a proposed constitutional amendment. One ranking member of the Committee, Jerrold Nadler (D-NY), stated, "We have already devoted more time in this Committee to this topic than to the means by which we might preserve our democratic form of Government if terrorists wipe out our Government." (*Limiting federal court jurisdiction ...* p.4)

United States. Congress. House. (2003). *H.J. Res. 56: proposing an amendment to the Constitution of the United States relating to marriage*. (108th Congress, 1st session). Retrieved September 14, 2004, from Congressional Bills Search via GPO Access: [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_bills&docid=f:hj56ih.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_bills&docid=f:hj56ih.pdf)

Bush, George W. (2004). President calls for constitutional amendment protecting marriage. Retrieved September 27, 2004, from the White House web site: <http://www.whitehouse.gov/news/releases/2004/02/20040224-2.html>

Marriage cannot be severed from its cultural, religious and natural roots without weakening the good influence of society. Government, by recognizing and protecting marriage, serves the interests of all. Today I call upon the Congress to promptly pass, and to send to the states for ratification, an amendment to our Constitution defining and protecting marriage as a union of man and woman as husband and wife. The amendment should fully protect marriage, while leaving the state legislatures free to make their own choices in defining legal arrangements other than marriage.

United States. Congress. House. Committee on the Judiciary. Subcommittee on the Constitution. (2004). *Defense of Marriage Act: hearing before the Subcommittee on the Constitution of the Committee on the Judiciary, House of Representatives, One Hundred Eighth Congress, second session, March 30, 2004*. Washington, D.C.: U.S. G.P.O. (US Documents microfiche: Y 4.J 89/1:108/70) [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_house\\_hearings&docid=f:92830.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_house_hearings&docid=f:92830.pdf)

United States. Congress. House. Committee on the Judiciary. Subcommittee on the Constitution. (2004). *Legal threats to traditional marriage: implications for public policy : hearing before the Subcommittee on the Constitution of the Committee on the Judiciary, House of Representatives, One Hundred Eighth Congress, second session, April 22, 2004*. Washington, D.C.: U.S. G.P.O. (US Documents microfiche: Y 4.J 89/1:108/76) [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_house\\_hearings&docid=f:93225.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_house_hearings&docid=f:93225.pdf)

United States. Congress. House. Committee on the Judiciary. Subcommittee on the Constitution. (2004). *Federal Marriage Amendment (the Musgrave Amendment): hearing before the Subcommittee on the Constitution of the Committee on the Judiciary, House of Representatives, One Hundred Eighth Congress, second session, on H.J. Res. 56 : May 13, 2004*. Washington: U.S. G.P.O. (Not yet available in the US Documents collection. Available online via GPO Access: [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_house\\_hearings&docid=f:93656.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_house_hearings&docid=f:93656.pdf))

United States. Congress. House. Committee on the Judiciary. Subcommittee on the Constitution. (2004). *Limiting federal court jurisdiction to protect marriage for the States: hearing before the Subcommittee on the Constitution of the Committee on the Judiciary, House of Representatives, One Hundred Eighth Congress, second session : June 24, 2004*. Washington: U.S. G.P.O. (Not yet available in the US Documents collection. Available online via GPO Access: [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_house\\_hearings&docid=f:94458.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_house_hearings&docid=f:94458.pdf))

United States. Congress. House. Committee on the Judiciary. (2004). *Marriage Protection Act of 2004 : report together with dissenting views (to accompany H.R. 3313) (including cost estimate of the Congressional Budget Office)*. Washington, D.C.: U.S. G.P.O. (US Documents microfiche: Y 1.1/8:108-614) [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_reports&docid=f:hr614.108.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_reports&docid=f:hr614.108.pdf)

H.R. 3313 prevents Federal courts from striking down the provision of the Defense of Marriage Act (28 U.S.C. § 1738C) that provides that no state shall be required to accept a same-sex marriage license granted in another state.

H.R. 3313, the Marriage Protection Act, as amended, creates a new 28 U.S.C. § 1632 that provides that: No court created by Act of Congress shall have any jurisdiction, and the Supreme Court shall have no appellate jurisdiction, to hear or decide any question pertaining to the interpretation of, or the validity under the Constitution of, section 1738C 1 or this section.

H.R. 3313 would prevent unelected, lifetime-appointed Federal judges from striking down the protection for states Congress passed in the Defense of Marriage Act ("DOMA")—by the overwhelming margin of 342–67 in the House and 85–14 in the Senate—that provides that no state shall be required to accept same-sex marriage licenses granted in other states.

H.R. 3313 does not attempt to dictate results: it only places final authority over whether states must accept same-sex marriage licenses granted in other states in the hands of the states themselves. H.R. 3313 stands for the proposition that lifetime-appointed Federal judges must not be allowed to rewrite marriage policy for the states. (p. 2.)

An Internet search for the phrases "defense of marriage," "marriage protection act," or "federal marriage amendment" retrieves a large number of news reports, articles, opinion pieces, and columns on the topic. These writings include a wide variety of opinion. Two examples of legal commentary on the advisability of the Marriage Protection Act and a constitutional amendment are available on FindLaw's Legal Commentary, Writ. The authors include Rep. Bob Barr, author of the Defense of Marriage Act.

Barr, Bob. (2004, July 16). The Federal Marriage Amendment: why conservatives and liberals alike should be very glad it failed. Retrieved September 27, 2004, from FindLaw's Legal Commentary. Writ: [http://writ.news.findlaw.com/commentary/20040716\\_barr.html](http://writ.news.findlaw.com/commentary/20040716_barr.html) [Rep. Barr is the author of the Defense of Marriage Act.]

Senate Majority Leader Bill Frist argued on C-SPAN that this constitutional amendment isn't such a big deal because the last time we ratified an amendment, it simply regulated congressional pay. With due respect to the Senator, that might be so - it's true that we might have some minor league amendments in our Constitution - but none of these amendments erode basic rights. And the FMA, had it been passed, would have done just that.

The FMA was a big deal. If it had passed, it would have meant that we had have turned several razor-edge corners. Most disturbingly, for the first time, we would have "used" the Constitution to restrict rights.

Grossman, Joanna. (2004, July 27). The proposed Marriage Protection Act: why it may be unconstitutional. Retrieved September 27, 2004, from FindLaw's Legal Commentary. Writ: <http://writ.news.findlaw.com/grossman/20040727.html>

Specifically, if the MPA were to become law, the federal courts would be divested of the powers to hear two kinds of "federal question" cases: Cases relating to the MPA itself, and certain cases relating to the Defense of Marriage Act (DOMA).

(DOMA attempts to prevent the states from being forced to recognized out-of-state same-sex marriages. The cases the MPA tries to preempt relate to the Constitution's Full Faith and Credit Clause, which requires the states to respect each others' public acts, records, and judgments.)

The MPA is not predicted to make it through the Senate. Still, it is worth considering, for it raises a number of interesting and as-yet-unresolved constitutional questions. Ironically, the persistence of these very questions underlines the need for the federal courts to weigh in - rather than being silenced, as the MPA would have it.